

# EXHIBIT C



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Transcript of **CHRISTOPHER MICHAEL MARSTON**

**Date:** May 18, 2015

**Case:** BETHUNE-HILL, ET AL v. VIRGINIA STATE BOARD OF  
ELECTIONS, ET AL

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IN THE UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

RICHMOND DIVISION

4

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5

GOLDEN BETHUNE-HILL, et al., :

6

Plaintiffs, :

7

v. : Civil Action No.

8

VIRGINIA STATE BOARD OF ELECTIONS, : 3:14-cv-852

9

et al., : REP-GBL-BMK

10

Defendants, :

11

and :

12

VIRGINIA HOUSE OF DELEGATES, et al., :

13

Intervenor-Defendants. :

14

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Deposition of CHRISTOPHER MICHAEL MARSTON

17

Washington, DC

18

Monday, May 18, 2015

19

9:51 a.m.

20

Job No.: 81719

21

Pages: 1 - 154

22

Reported By: Dawn M. Hart, Notary Public, RPR/RMR/CRR

DEPOSITION OF CHRISTOPHER MICHAEL MARSTON  
CONDUCTED ON MONDAY, MAY 18, 2015

2

1 Deposition of CHRISTOPHER MICHAEL MARSTON, held  
2 at the law offices of:

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6 700 Thirteenth Street, NW  
7 Suite 600  
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13

14 Pursuant to Notice, before Dawn M. Hart,  
15 RPR/RMR/CRR and Notary Public in and for the District  
16 of Columbia.  
17  
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19  
20  
21  
22

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CONDUCTED ON MONDAY, MAY 18, 2015

3

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1 plan.

2 Q The data collection and analysis you've been  
3 referring to, at least with regard to race, was that  
4 aimed at determining whether the map would cause  
5 retrogression?

6 A Yes.

7 Q How did you determine whether a minority  
8 group or minority groups would have a lesser  
9 opportunity to elect a candidate of their choice?

10 A We didn't have a hard-and-fast rule to  
11 determine that. As with many things in the law, it's  
12 a bit of a judgment call.

13 I don't recall how many court decisions I  
14 read, but I couldn't get the same answer out of all of  
15 them as to what I needed to do, so we did our best and  
16 sought legal advice to see if what we were doing  
17 appeared to be compliant.

18 Q Did you do -- when I say did "you" do, I  
19 mean did you do or direct or interact with one of your  
20 consultants who was doing any data analysis to  
21 determine whether a proposed plan would cause  
22 retrogression?

7052  
DEPOSITION OF CHRISTOPHER MICHAEL MARSTON  
CONDUCTED ON MONDAY, MAY 18, 2015

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1           A     Yes.

2           Q     Tell me about that.

3           A     As we were preparing a plan and when we  
4     finished a plan, we would ask our attorneys for their  
5     opinion as to whether or not they thought that there  
6     was retrogression and, more importantly, whether it  
7     could be precleared.

8           Q     I guess I'm asking more of a factual  
9     question, which is, how did you use the data to  
10    determine whether or not there was retrogression?

11          A     So we would prepare a list of the 100  
12    districts and their racial composition and consult  
13    with our attorneys to see what they thought about  
14    whether or not we could successfully get the plan  
15    precleared.

16          Q     Did you do any other data analysis or  
17    gathering other than creating a list of the 100  
18    districts and the racial composition in terms of  
19    trying to determine whether there would be  
20    retrogression?

21          A     I gathered, but never used, information  
22    about election contests that featured a Black and a